IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF TEXAS HOUSTON DIVISION

WRIGHT ASPHALT PRODUCTS CO., \$ LLC, \$ \$ Plaintiff, \$ \$ VS. \$ CIVIL ACTION NO. H-09-1145 \$ PELICAN REFINING COMPANY, LLC., \$ \$ Defendant. \$

ORDER

The parties have moved for entry of a protective order. There is one aspect of the protective order that gives rise to concern. Paragraph 8 states that a party submitting designated confidential information to the court must do so by filing under seal. But designating a document as confidential in discovery is not sufficient to maintain it under seal. That paragraph should be revised to provide that either with the sealed filing or within a certain period thereafter, the party seeking to maintain the seal must file a separate motion with the court showing good cause to do so.

A revised protective order consistent with this order must be filed by **November 20, 2009** or the parties may file a response showing why no revision is appropriate.

SIGNED on November 9, 2009, at Houston, Texas.

Lee H. Rosenthal United States District Judge